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7-22-2003

# CONFINEMENT AND FEEDING OF VEAL CALVES. CONFINEMENT OF PREGNANT FARM

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### Recommended Citation

CONFINEMENT AND FEEDING OF VEAL CALVES. CONFINEMENT OF PREGNANT FARM California Initiative 992 (2003).

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SECRETARY OF STATE  
**KEVIN SHELLEY**  
STATE OF CALIFORNIA

January 5, 2004

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JAN 13 2004

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TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND  
PROPONENTS (03410)

FROM: Brianna Lierman  
BRIANNA LIERMAN  
ELECTIONS ANALYST

SUBJECT: FAILURE OF INITIATIVE #992

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named INITIATIVE STATUTE filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: CONFINEMENT AND FEEDING OF VEAL CALVES.  
CONFINEMENT OF PREGNANT FARM PIGS.

SUMMARY DATE: 07/22/03

PROPONENTS: Eric Sakach

ELECTIONS DIVISION

1500 11<sup>TH</sup> STREET - 5<sup>TH</sup> FLOOR • SACRAMENTO, CA 95814 • (916) 657-2166 • WWW.SS.CA.GOV

**OTHER PROGRAMS:** STATE ARCHIVES, BUSINESS PROGRAMS, INFORMATION TECHNOLOGY, EXECUTIVE OFFICE, GOLDEN STATE MUSEUM, MANAGEMENT SERVICES, SAFE AT HOME, DOMESTIC PARTNERS REGISTRY, NOTARY PUBLIC, POLITICAL REFORM





SECRETARY OF STATE  
**KEVIN SHELLEY**  
STATE OF CALIFORNIA

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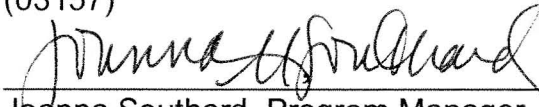
JUL 25 2003

LIBRARY  
HASTINGS COLLEGE OF THE LAW

July 22, 2003

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS AND PROPONENTS  
(03157)

FROM:

  
Joanna Southard, Program Manager  
Initiatives & Ballot Pamphlet

SUBJECT: **INITIATIVE #992**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**CONFINEMENT AND FEEDING OF VEAL CALVES.  
CONFINEMENT OF PREGNANT FARM PIGS.  
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Eric Sakach  
c/o Law Office of J. William Yeates  
8002 California Avenue  
Fair Oaks, CA 95628

(916) 860-2000

ELECTIONS DIVISION

1500 11<sup>TH</sup> STREET - 5<sup>TH</sup> FLOOR • SACRAMENTO, CA 95814 • (916) 657-2166 • [WWW.SS.CA.GOV](http://WWW.SS.CA.GOV)

**OTHER PROGRAMS:** STATE ARCHIVES, BUSINESS PROGRAMS, INFORMATION TECHNOLOGY, EXECUTIVE OFFICE, GOLDEN STATE MUSEUM, MANAGEMENT SERVICES, SAFE AT HOME, DOMESTIC PARTNERS REGISTRY, NOTARY PUBLIC, POLITICAL REFORM

**#992**  
**CONFINEMENT AND FEEDING OF VEAL CALVES.**  
**CONFINEMENT OF PREGNANT FARM PIGS.**  
**INITIATIVE STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required:.....373,816  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: ..... Tuesday, 07/22/03
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (EC §336)..... Tuesday, 07/22/03
  - b. Last day Proponent can circulate and file  
with the county. All sections are to be filed at the  
same time within each county (EC §336, 9030(a)) ..... Friday, 12/19/03
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (EC §9030(b)). ..... Friday, 01/02/04

(If the Proponent files the petition with the county on a date prior to 12/19/03, the  
county has eight working days from the filing of the petition to determine the total  
number of signatures affixed to the petition and to transmit the total to the  
Secretary of State) (EC §9030(b)).

  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures,  
and notifies the counties..... Sunday, 01/11/04\*
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(EC §9030(d)(e)) ..... Wednesday, 02/25/04

\*Date varies based on the date of county receipt of verification.

**INITIATIVE #992**  
**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 01/11/04, the last day is no later than the thirtieth day after the county's receipt of notification).(EC §9030(d)(e)).

- f. If the signature count is more than 411,198 or less than 355,125 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 355,125 and 411,198 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures..... Saturday, 03/06/04\*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c))..... Monday, 04/19/04

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 03/06/04, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033) .....Friday, 04/23/04\*

\*Date varies based on receipt of county certification.

## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

**BILL LOCKYER**  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555

Facsimile: (916) 324-8835  
Phone: (916) 324-5490

**FILED**

in the office of the Secretary of State  
of the State of California

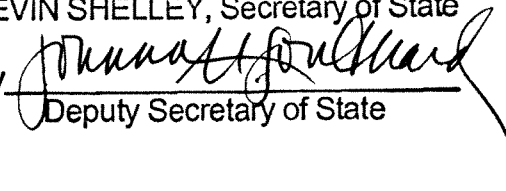
July 22, 2003

JUL 22 2003

Kevin Shelley  
Secretary of State  
1500 - 11<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sacramento, California 95814

KEVIN SHELLEY, Secretary of State

By

  
Deputy Secretary of State

RE: Initiative Title and Summary  
SUBJECT: CONFINEMENT AND FEEDING OF VEAL CALVES.  
CONFINEMENT OF PREGNANT FARM PIGS. INITIATIVE STATUTE.  
FILE NO: SA2003RF0022

Dear Mr. Shelley:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponent of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,

  
TRICIA KNIGHT  
Initiative Coordinator

For BILL LOCKYER  
Attorney General

TK  
Enclosures



Date: July 22, 2003  
File No.: SA2003RF0022

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

CONFINEMENT AND FEEDING OF VEAL CALVES. CONFINEMENT OF PREGNANT FARM PIGS. INITIATIVE STATUTE. Prohibits confining or tethering a veal calf or a pregnant pig on a farm in a manner that prevents the animal from turning around. Prohibits failing to feed a calf sufficient iron or solid food. Does not apply to reasonable veterinary procedures, public events and prebirthing pigs. Violations are misdemeanors. Veal calf provisions are effective upon enactment. Farm pig provisions are effective January 1, 2008.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in probably minor local and state criminal justice enforcement and prosecution costs, offset in part by increased fine revenue.

SA2003RFOO22

State of California Office of the Attorney General  
1300 I Street, 11th Floor  
Sacramento, CA 95814  
Attn: Tricia Knight, Initiative Coordinator

Re: Request for Initiative Title and Summary – "Limitation on Cruel Confinement of Veal Calves and Pigs and Limitation on Inadequate Diet for Veal Calves" (Elections Code, § 9002)

Dear Ms. Knight:

Pursuant to Elections' Code section 9002, I hereby request that a title and summary of the chief purpose and points of the above-titled, proposed initiative be prepared. The text of the initiative and a check for the required \$200 fee was forwarded to your office on my behalf by the Law Office of J. William Yeates on May 30, 2003.

I am the "proponent" of this initiative within the meaning of the Elections Code. I would like my name as the proponent to appear with the summary as follows:

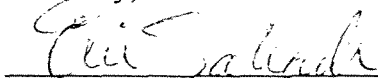
Eric Sakach, Humane Society of the United States.

For your consideration, a proposed title and summary is provided with the text of the proposed initiative.

With this request I am also transmitting to you 1) a signed statement required by Elections Code section 9608, and 2) a confidential disclosure of my registered voting address in the State of California for your use in confirming my status as a registered voter of the state.

For future correspondence, or if you have any further questions or need for information, please do not hesitate to contact my attorneys, Bill Yeates or Mary Akens, at the Law Office of J. William Yeates, 8002 California Ave., Fair Oaks, California, 95628, telephone (916) 860-2000, facsimile transmission (916) 860-2014.

Sincerely,



Eric Sakach, Humane Society of the United States

Date: June 3, 2003

attachments: Signed Statement per Elections Code section 9608  
Confidential Disclosure of Registered Voting Address

cc: Gene Bauston, Farm Sanctuary  
Mary Akens, Law Office of J. William Yeates

**RECEIVED**  
JUN 03 2003

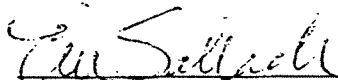
INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

SA 2003 RF0022

SIGNED STATEMENT  
Elections Code, § 9608

**Re: Request for Initiative Title and Summary - "Limitation on Cruel Confinement of Veal Calves and Pigs and Limitation on Inadequate Diet for Veal Calves"**

I, Eric Sakach, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

  
(Signature of Proponent)

Dated this 3<sup>rd</sup> day of June, 2003

RECEIVED  
JUN 03 2003  
INITIATIVE COORDINATION  
ATTORNEY GENERAL'S OFFICE

## SUMMARY

Cruel Confinement of Veal Calves/Pigs. Initiative Statute. Prohibits tethering or confining of veal calves and pregnant pigs in enclosures, including a veal crate and gestation crate, so small they cannot turn around freely; requires an adequate diet for veal calves. Creates exceptions for veterinary purposes, prebirthing with respect to pigs, and public events. Each violation is a misdemeanor. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure could result in some minor local and state criminal justice enforcement and prosecution costs, offset in part by increased fine revenue.

## LIMITATION ON CRUEL CONFINEMENT OF VEAL CALVES AND PIGS AND LIMITATION ON INADEQUATE DIET FOR VEAL CALVES

### ARTICLE ONE

Sec. 1. Section 599g is added to the animal cruelty section of the Penal Code, to read:

599g. (a) Any person who confines a calf raised for veal in an enclosure, or who tethers a calf raised for veal for all or the majority of the day, on a farm in a manner that prevents the calf from turning around in a complete circle or grooming itself completely is guilty of a misdemeanor.

(b) The confinement or tethering of each calf shall constitute a separate offense.

(c) Any person who does not feed a calf a daily diet containing sufficient iron to prevent anemia or sufficient solid food to prevent impairment of the development of its rumen is guilty of a crime punishable by a misdemeanor.

(d) The failure to provide sufficient iron or solid food to each calf shall constitute a separate offense.

(e) This section shall not apply to (i) confinement or tethering that is reasonably necessary to provide the calf with an examination, test, treatment or operation carried out for veterinary purposes provided that the calf is not confined for a period longer than is reasonably necessary for such procedures or (ii) county fairs or other events open to the public.

(f) For purposes of this section:

(1) "Enclosure" means any cage, crate, or other method of confinement in which a calf is kept for all or the majority of any day, including what is commonly described as a "veal crate."

(2) "Farm" means land, buildings, support facilities, and other equipment used in the production of animals for food or fiber.

(3) "Person" means any natural person, corporation and/or business entity.

(g) The knowledge and acts of agents or employees of a person in regard to a calf owned, farmed or in the custody of such person, shall be held to be the knowledge or act of such person.

Sec. 2 Section 599h is added to the animal cruelty section of the Penal Code, to read:

599h. (a) Any person who confines a pig during pregnancy in an enclosure, or who tethers a pig during pregnancy for all or the majority of the day, on a farm in a manner that prevents her from turning around freely is guilty of a misdemeanor.

(b) The confinement or tethering of each pig shall constitute a separate offense.

(c) This section shall not apply (i) during the prebirthing period, (ii) to confinement or tethering that is reasonably necessary to provide the pig with an examination, test, treatment or operation carried out for veterinary purposes provided that the pig is not confined for a period longer than is reasonably necessary for such procedures or (iii) to county fairs or other events open to the public.

(d) For purposes of this section:

(1) "Enclosure" means any cage, crate, or other method of confinement in which a pig is kept for all or the majority of any day, including what is commonly described as the "gestation crate."

(2) "Farm" means land, buildings, support facilities, and other equipment used in the production of animals for food or fiber.

(3) "Person" means any natural person, corporation and/or business entity.

(4) "Pig" means any animal of the porcine species.

(5) "Prebirthing period" means the seven day period prior to the pig's expected date of giving birth.

(6) "Turning around freely" means turning around in a complete circle without any impediment, including a tether, or in the case of an enclosure, without touching any side of the enclosure.

(e) The knowledge and acts of agents or employees of a person in regard to a pig owned, farmed or in the custody of such person, shall be held to be the knowledge or act of such person.

## **ARTICLE TWO**

Sec 3. SEVERABILITY. In the event that any section or provision of this Act, or the application thereof to any person or circumstances, is held invalid, it is the intent of the voters that the remaining sections of the Act continue in full force and effect, and to this end the provisions of the Act are severable.

Sec. 4. EFFECTIVE DATE. Section 1 of this Act shall take effect upon enactment and Section 2 of this Act shall take effect on January 1, 2008.

